
Status: Point in time view as at 01/02/1991.

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Sale of Offices Act 1809

1809 CHAPTER 126 49 Geo 3

An Act for the further Prevention of the Sale and Brokerage of
Offices. [20th June 1809]

Whereas an Act passed in the fifth and sixth year of the reign of King Edward the Sixth,^{M1} intituled "Against buying and selling of offices": And whereas it was in and by the said Act enacted, amongst other things, that if any person or persons at any time thereafter bargained or sold any office or offices or deputation of any office or offices, or any part or parcel of any of them, or received, had, or took any money, fee, reward, or any other profit, directly or indirectly, or took any promise, agreement, covenant, bond, or any assurance to receive or have any money, fee, reward, or other profit, directly or indirectly, for any office or offices, or for the deputation of any office or offices, or any part of any of them, or to the intent that any person should have, exercise, or enjoy any office or offices, or the deputation of any office or offices, or any part of any of them, which office or offices, or any part or parcel of them, should in anywise touch or concern the administration or execution of justice, or the receipt, controlment, or payment of any of the King's Highness treasure, money, rent, revenue, account, aulnage, auditorship, or surveying of any of the King's Majesty's honors, castles, manors, lands, tenements, woods, or hereditaments, or any of the King's Majesty's customs, or any other administration or necessary attendance to be had, done, or executed in any of the King's Majesty's custom house or houses, or the keeping of any of the King's Majesty's towns, castles, or fortresses, being used, occupied, or appointed for places of strength and defence, or which should concern or touch any clerkship to be occupied in any manner of court of record wherein justice was to be ministered, that then all and every such person and persons that should so bargain or sell any of the said office or offices, deputation or deputations, or that should take any money, fee, reward, or profit for any of the said office or offices, deputation or deputations of any of the said offices, or any part of any of them, or that should take any promise, covenant, bond, or assurance for any money, reward, or profit to be given for any of the said office or offices, deputation or deputations of any of the said office or offices, or any part of any of them, should not only lose and forfeit all his and their right, interest, and estate which such person or persons should then have of, in, or to any of the said office or offices, deputation or deputations, or any part of any of them, or of, in, or to the gift or nomination of any of the said office or offices, deputation or deputations, for the which office or offices, or for the deputation or deputations of which offices, or for any part of any of them, any such person or persons should so make any bargain or sale, or take or receive any sum of money, fee, reward, or profit, or any promise, covenant, or assurance to have or receive any fee, reward, money, or profit, but also that all and every such person or

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persons that should give or pay any sum of money, reward, or fee, or should make any promise, agreement, bond, or assurance for any of the said offices, or for the deputation or deputations of any of the said office or offices, or any part of any of them, should immediately by and upon the same fee, money, or reward given or paid, or upon any such promise, covenant, bond, or agreement had or made for any fee, sum of money, or reward to be paid as is aforesaid, be adjudged a disabled person in the law to all intents and purposes, to have, occupy, or enjoy the said office or offices, deputation or deputations, or any part of any of them, for the which such person or persons should so give or pay any sum of money, fee, or reward, or make any promise, covenant, bond, or other assurance to give or pay any sum of money, fee, or reward; and that all and every such bargains, sales, promises, bonds, agreements, covenants, and assurances as before specified should be void to and against him and them by whom any such bargain, sale, bond, promise, covenant, or assurance should be had or made: And whereas it was in the said Act provided that the said Act or anything therein contained should not in anywise extend to any office or offices whereof any person or persons was or should be seised of any estate of inheritance, nor to any office of parkership, or of the keeping of any park, house, manor, garden, chase, or forest, or to any of them: And whereas it was by the said Act further provided, that if any person or persons did thereafter offend in anything contrary to the tenor and effect of the said Act, yet that notwithstanding all judgments given, and all other act and acts executed or done by any such person or persons so offending, by authority or colour of the office or deputation which ought to be forfeited or not occupied or not enjoyed by the person so offending, after the said offence so by such person committed or done, and before such person so offending for the same offence should be removed from the exercise, administration, and occupation of the said office or deputation, should be and remain good and sufficient in law to all intents, constructions, and purposes, in such like manner and form as the same would or ought to have remained and been if this Act had never been had or made: And whereas it was by the said Act further provided, that the said Act, or anything therein contained, should not in anywise extend, or be prejudicial or hurtful to any of the chief justices of the King's courts, commonly called the King's Bench or Common Place, or to any of the justices of assize, that then were or thereafter should be, but that they and every of them might do in every behalf touching or concerning any office or offices to be given or granted by them or any of them, as they or any of them might have done before the making of the said Act:

[1.] Provisions of 5 & 6 Ed. 6. c. 16 extended to other offices.

From and after the passing of this Act, the said Act and all the provisions therein contained shall extend and be construed to extend to Scotland and Ireland, and to all offices in the gift of the crown or of any office appointed by the crown, and all commissions, civil, naval, or military, and to all places and employments, and to all deputations to any such offices, commissions, places, or employments, in the respective departments or offices or under the appointment or superintendence and controul of the lord high treasurer or commissioners of the Treasury, the secretary of state, . . . ^{F1} and also the principal officers of any other public department or office of his Majesty's government in any part of the United Kingdom, or in any of his Majesty's dominions, colonies, or plantations which now belong or may hereafter belong to his Majesty, . . . ^{F2} in as full and ample a manner as if the provisions of the said Act were repeated as to all such offices, commissions, places, and employments, and made part of this Act; and the said Act and this Act and all the clauses and provisions therein respectively contained shall be construed as one Act, as if the same had been herein repeated and re-enacted.

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Textual Amendments

- F1 Words repealed by [Statute Law Revisions Act 1872 \(No. 2\)](#) (c. 97) and [S.I. 1964/488, Sch. 1 Pt. II](#)
- F2 Words repealed by [Statute Law Revision Act 1964](#) (c. 79)

2 When right of appointment forfeited, to go to his Majesty.

Provided always, that where the right, estate, or interest of any person or persons shall be forfeited under any of the provisions of the said Act or this Act, the right of such appointment shall immediately vest in and belong to his Majesty, his heirs and successors.

3 Persons buying or selling offices, or receiving or paying money or rewards for offices, guilty of a misdemeanor.

And from and after the passing of this Act, if any person or persons shall sell or bargain for the sale of, or receive, have, or take any money, fee, gratuity, loan of money, reward, or profit, directly or indirectly, or any promise, agreement, covenant, contract, bond, or assurance, or shall by any way, device, or means, contract or agree to receive or have any money, fee, gratuity, loan of money, reward or profit, directly or indirectly, and also if any person or persons shall purchase or bargain for the purchase of, or give or pay any money, fee, gratuity, loan of money, reward or profit, or make or enter into any promise, agreement, covenant, contract, bond, or assurance to give or pay any money, free, gratuity, loan of money, reward or profit, or shall by any way, means, or device, contract or agree to give or pay any money, fee, gratuity, loan of money, reward or profit, directly or indirectly, for any office, commission, place or employment specified or described in the said recited Act or this Act, or within the true intent or meaning of the said Act or this Act, or for any deputation thereto, or for any part, parcel or participation of the profits thereof, or for any appointment or nomination thereto or resignation thereof, or for the consent or consents, or voice or voices of any person or persons to any such appointment, nomination, or resignation, then and in every such case every such person, and also every person who shall wilfully and knowingly aid, abet, or assist such person therein, shall be deemed and adjudged guilty of a misdemeanor.

4 Persons receiving or paying money for soliciting offices, and any negotiations and pretended negotiations relating thereto, guilty of a misdemeanor.

And from and after the passing of this Act, if any person or persons shall receive, have, or take any money, fee, reward, or profit, directly or indirectly, or take any promise, agreement, covenant, contract, bond or assurance, or by any way, means or device, contract or agree to receive or have any money, fee, gratuity, loan of money, reward or profit, directly or indirectly, for any interest, solicitation, petition, request, recommendation, or negotiation whatever made or to be made or pretended to be made, or under any pretence of making or causing or procuring to be made any interest, solicitation, petition, request, recommendation, or negotiation, in or about or in anywise touching, concerning, or relating to any nomination, appointment, or deputation to or resignation of any such office, commission, place, or employment as aforesaid, or under any pretence for using or having used any interest, solicitation, petition, request, recommendation, or negotiation in or about any such nomination, appointment, deputation or resignation, or for the obtaining or having obtained the

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consent or consents, or voice or voices of any person or persons as aforesaid to such nomination, appointment, deputation, or resignation; and also if any person or persons shall give or pay or cause or procure to be given or paid any money, fee, gratuity, loan of money, reward or profit, or make or cause or procure to be made any promise, agreement, covenant, contract, bond or assurance, or by any way, means, or device contract or agree or give or pay or cause or procure to be given or paid any money, fee, gratuity, loan of money, reward, or profit for any solicitation, petition, request, recommendation or negotiation whatever, made or to be made, that shall in anywise touch, concern or relate to any nomination, appointment, or deputation to or resignation of any such office, commission, place or employment as aforesaid, or for the obtaining or having obtained, directly or indirectly, the consent or consents, or voice or voices of any person or persons as aforesaid to any such nomination, appointment, deputation, or resignation; and also if any person or persons shall for or in expectation of gain, fee, gratuity, loan of money, reward, or profit, solicit, recommend, or negotiate in any manner for any person or persons in any matter that shall in anywise touch, concern, or relate to any such nomination, appointment, deputation, or resignation aforesaid, or for the obtaining, directly or indirectly, the consent or consents, or voice or voices of any person or persons to any such nomination, appointment or deputation, or resignation aforesaid; then and in every such case every such person, and also every person who shall wilfully and knowingly aid, abet, or assist such person therein, shall be deemed and adjudged guilty of a misdemeanor.

5 Persons opening or advertising houses for transacting business relating to the sale of offices, guilty of a misdemeanor.

And whereas, on the pretence of negotiating or soliciting the sale, transfer, or appointment of any office or offices which under the exception of this Act or otherwise it may be lawful to sell, offices for negotiating the same and advertisements may be published by means and under the colour of which illegal transactions intended to be prohibited by this Act may be carried on: From and after the passing of this Act, if any person or persons shall open or keep any house, room, office, or place for the soliciting, transacting, or negotiating in any manner whatever any business relating to vacancies in, or the sale or purchase of, or appointment, nomination, or deputation to, or resignation, transfer, or exchange of any offices, commissions, places, or employments whatever in or under any publick department, then and in every such case every such person, and also every person who shall wilfully and knowingly aid, abet, or assist therein, shall be deemed and adjudged guilty of a misdemeanor.

6 Inflicting a penalty on persons advertising or publishing the names of brokers or agents.

And if any person or persons shall advertise or publish or cause or procure to be advertised, or in any manner published any house, room, office, or place to have been or to be opened, set up, or kept for any of the purposes aforesaid, or advertise or publish or cause or procure to be advertised or published the name or names of any person or persons as broker or brokers, agent or agents, solicitor or solicitors for any of the purposes aforesaid, or print or cause or procure or permit or suffer to be printed or advertised any advertisement or advertisements, proposal or proposals for any of the purposes aforesaid, then and in such case such person or persons shall forfeit for every such offence the sum of fifty pounds, to be sued for, levied, or recovered in any of his Majesty's courts of record at [^{F3}the Royal Courts of Justice] as to all offences committed in England, or at [^{F4}Belfast] as to offences committed in Ireland, or in his

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Majesty's courts in Scotland as to offences committed in Scotland respectively; and the whole of every such penalty shall go to the person who shall sue for the same, with full costs of suit.

Textual Amendments

- F3** Words substituted by virtue of [Supreme Court of Judicature \(Consolidation\) Act 1925 \(c. 49\), s. 224\(1\)](#)
- F4** Words substituted by virtue of S.R. & O. 1921/1804 (Rev. XVI, p. 967: 1921, p. 422), art. 7(b)

Modifications etc. (not altering text)

- C4** [S. 6](#) amended (E.W.) (S.) by [Common Informers Act 1951 \(c. 39\), s. 1, Sch.](#)
- C5** Reference to Ireland to be construed as exclusive of Republic of Ireland: S.R. & O. 1923/405 (Rev. X, p. 298: 1923, p. 400), art 2

7, 8. ^{F5}

Textual Amendments

- F5** [Ss. 7, 8, 12, 15](#) repealed by [Statute Law Revision Act 1872 \(No. 2\) \(c. 97\)](#)

9 Act not to extend to offices excepted in former Act, nor to securities or transactions under legal securities.

Provided always, that nothing in this Act contained shall extend or be construed to extend to any office excepted from the provisions of the said Act passed in the sixth year of the reign of King Edward the Sixth against buying and selling of offices, or to any office which was legally saleable before the passing of this Act and in the gift of any person by virtue of any office of which such person is or shall be possessed under any patent or appointment for his life, . . . ^{F6}

Textual Amendments

- F6** Words repealed by [Statute Law Revision Act 1872 \(No. 2\), \(c. 97\)](#)

10 Act not to extend to lawful deputations where payment of principal or deputy is out of the fees.

Provided also, that nothing in this Act contained shall extend or be construed to extend to prevent or make void any deputation to any office in any case in which it is lawful to appoint a deputy, or any agreement, contract, bond, or assurance lawfully made in respect of any allowance, salary, or payment made or agreed to be made by or to such principal or deputy respectively out of the fees or profits of such office.

11 Act not to extend to annual payments out of the fees of any office, to any person formerly holding such office.

Provided also, that nothing in the said Act or in this Act contained shall extend to any annual reservation, charge, or payment made or required to be made out of the fees, perquisites, or profits of any office to any person who shall have held such office,

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in any commission or appointment of any person succeeding to such office, or to any agreement, contract, bond, or other assurance made for securing such reservation, charge or payment: Provided always, that the amount of such reservation, charge, or payment, and the circumstances and reasons under which the same shall have been permitted shall be stated in the commission, patent, warrant, or instrument of appointment of the person so succeeding to and holding such office and paying or securing such money as aforesaid.

12 F7

Textual Amendments
F7 Ss. 7, 8, 12, 15 repealed by Statute Law Revision Act 1872 (No. 2) (c. 97)

13 **Manner of punishing offenders in Scotland.**

Provided always, that every person who shall commit in Scotland any offence against this Act, which by the provisions of the same is constituted a misdemeanor, shall be liable to be punished by fine and imprisonment, or by the one or the other of such punishments, as the judge or judges before whom such offender shall be tried and convicted may direct.

14 **Offences committed abroad shall be tried in King’s Bench.**

And all offences committed against the provisions of the said recited Act and this Act by any governor, lieutenant governors, or persons having the chief command, civil or military, in any of his Majesty’s dominions, colonies, or plantations, or his or their secretary or secretaries, may and shall be prosecuted and enquired of and heard and determined . . . F8, in like manner as any crime, offence, or misdemeanor committed by any person holding a public employment abroad may be prosecuted and enquired of under the provisions of the M2Criminal Jurisdiction Act 1802.

Textual Amendments
F8 Words repealed by Criminal Law Act 1967 (c. 58), Sch. 3 Pt. I
Marginal Citations
M2 1802 c. 85.

15 F9

Textual Amendments
F9 Ss. 7, 8, 12, 15 repealed by Statute Law Revision Act 1872 (No. 2) (c. 97)

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